

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN CALVERT, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

CABELA’S L.L.C.,

Defendant.

Case No.: 2:22-CV-01460-WSH

**STIPULATION EXTENDING TIME FOR PLAINTIFF TO RESPOND TO  
DEFENDANT’S MOTION TO DISMISS AMENDED COMPLAINT**

Plaintiff Brian Calvert and Defendant Cabela’s L.L.C., by and through their undersigned counsel hereby stipulate to an extension of time for Plaintiff to respond to Defendant’s Motion to Dismiss Amended Complaint, and hereby state as follows:

1. On February 13, 2023, Defendant filed a Motion to Dismiss Amended Complaint. ECF No. 16.
2. On February 15, 2023, Arlie Tucker, the plaintiff in the matter *Tucker v. BPS Direct, LLC et al.*, Case No. 6:22-cv-03285-SRB (W.D. Mo.) moved the United States Judicial Panel on Multidistrict Litigation (“Panel”), pursuant to 28 U.S.C. § 1407 to transfer this Action and five other actions to the Western District of Missouri for coordinated or pretrial proceedings. *See In re: BPS Direct, LLC & Cabela’s, LLC, Wiretapping Litigation*, MDL No. 3074 (J.P.M.L.).
3. On March 2, 2023, Plaintiff filed a motion to stay this action pending the Panel’s decision on the motion to transfer. ECF No. 19.
4. Counsel for Plaintiff has conferred with counsel for Defendant, and Defendant has informed Plaintiff that it intends to oppose the motion to stay.

5. Plaintiff's Opposition to Defendant's Motion to Dismiss Plaintiff's Amended Complaint is currently due on March 6, 2023.

6. In light of the pending motion to transfer and briefing on the motion to stay, the parties have agreed to extend the deadline for Plaintiff to file his Opposition to Defendant's Motion to Dismiss Amended Complaint until seven (7) days following the Court's decision on the motion to transfer.

**IT IS HEREBY STIPULATED AND AGREED** that Plaintiff shall have up to and until seven (7) days after the Court rules on the motion to transfer to file his Opposition to Defendant's Motion to Dismiss Amended Complaint.

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*Attorney for Defendant Cabela's L.L.C.*

**APPROVED:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
W. Scott Hardy  
United States District Judge